

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 415-2017-00854	
_____ and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Eliud A. Montoya		Home Phone (Incl. Area Code)	Date of Birth 1975
Street Address 59 Village Drive, Garden City, GA 31408		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name DAVEY TREE EXPERT COMPANY		No. Employees, Members 500 or More	Phone No. (Include Area Code) (800) 447-1667
Street Address 1300 North Mantua, Kent, OH 44240		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-24-2017 08-16-2017 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I. I was hired in 2006-2007, as a Driver & Foreman. I currently hold the Trimmer position. On April 24, 2017, I filed an internal written complaint regarding: intimidation; wages; unsafe workplace; retaliatory actions from management and a hostile work environment at the work-place affecting me and other Hispanic employees. In May 2017, Pablo Rangel, Supervisor, met with Margie Conner, Esq., Legal Representative; H.R./Employee Relations, for Respondent. Mr. Rangel returned to the work-site intimidating me and the rest of the Hispanic workers, approximately 30 employees), stating that nothing was to become of my complaint and made a mockery of the situation, belittling me in front of the other employees. He wanted to teach all a lesson whereas if we complained of the unlawful employment practices, we would be retaliated against. During my tenure, I performed successfully, until my complaint, where I am being accused of false safety violations and a paper trail is being produced to get rid of me. Oscar Cruz, current supervisor, was put under Mr. Rangel's supervision and was named our direct supervisor. On June 1, 2017, I received a written reprimand for alleged safety violations. Again on August 16, 2017, I received another false safety-violation reprimand and a three-day suspension without pay. On August 16, 2017, I contacted Ms. Conner to update her of the current and on-going situation at the work-place.			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.	NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
Aug 17, 2017 _____ Date Charging Party Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED AUG 17 2017 </div> EEOC-000001

 SCANNED
 10/3/17

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

415-2017-00854

and EEOC

State or local Agency, if any

- II. Neither management nor Ms. Conner, are given any reason for the above-mentioned actions. Ms. Conner has continuously told me since April through the present, that my complaint is under investigation. No reason has been given for failing to take quick and appropriate action regarding my complaint and management's ill treatment of Hispanic workers.
- III. I believe that I have been discriminated against because of my national origin, Hispanic/Mexican and in retaliation for opposing unlawful employment practices at the work-place, in violation of Title VII of the Civil Rights Act of 1964, as amended.
- IV. I believe that Hispanic employees, as a class, are being discriminated against because of their national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Aug 17, 2017

Date

X [Signature]
Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

RECEIVED**AUG 17 2017****EEOC-SE EEOC-000002**